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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/555,666

11/04/2005

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EXAMINER

AFSHAR, KAMRAN

ART UNIT

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2617

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/555,666	Applicant(s) BORCIC ET AL.	
	Examiner KAMRAN AFSHAR	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/04/2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/24/2008</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 12/15/2008 have been fully considered but they are not persuasive.

Drawing Objection:

Applicant argues that there are no requirement(s) that each and every feature of the claimed invention be illustrated. Examiner respectfully disagrees since under 37 CFR 1.83(a), the drawings must show every feature of the invention specified in the claims. Therefore the previous objection is maintained. Also, in further review, it is noted that Figures 1-2 should be designated by a legend such as -Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

Claims rejection:

Examiner Agrees with Applicant that Serna fails teaching that intermediately storing the data packets in a previous switching network node (or a storage device for intermediate storage of data packets). However the deficiency of the Serna is cured by Eriksson. Examiner very kindly directs the Applicant to Eriksson e.g. 30, 28, 32 of Fig. 1, Page 1, ¶ [0015], Page 2, ¶ [0031]). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Eriksson to Serna to provide a system and a method that all data transmitted from the core network node to a radio access node is stored in the core network node for a predetermined time. In response to the command from the core network node, the radio access node serving the first cell sends a reply which identifies the discarded data, and the core network node sends copies of the discarded data to the new radio access node serving the new cell as suggested (See Eriksson, Page 1, ¶ [0015]). Therefore the Rejection is maintained.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the **“the intermediate storage of the data packets is initiated independently of whether the subscriber is to be monitored”, “buffered data packets are deleted if the mobile subscriber is not to be monitored”** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Serna (U.S. Pub. No.; 2006/017872 A1) in view of Eriksson (U.S. Pub. No.: 2006/0133315 A1).

With respect to claims 1, 5, Serna teaches a network node (See Serna e.g. network device, Page 3, ¶ [0041]) or a method for intermediate storage of data packets (See Serna e.g. data storage device, Page 4, Lines 3-5 of ¶ [0058]) during a relocation of a mobile subscriber within a communication network (mobile 16, communication network of Fig. 1, routing method, data network, radio data network, Page 1, ¶ [0001], mobile station, 3-G communication network, ¶ [0005], comprising: once a data transmission path has moved (See Serna e.g. MS moving (or handover) from a first cell toward a second cell, communicate with two or more node B nodes, Page 2, ¶ [0030]) from a switching network node originally responsible for the mobile subscriber (See Serna e.g. as defined SGSN 1 of Fig. 2) to a switching network node which is to become responsible for the mobile subscriber (See Serna e.g. as defined: SGSN 2 of Fig. 2), [intermediately storing the data packets] in a previous switching network node until the subscriber data provided for a new data transmission path (See Serna e.g. as defined: new SGSN 22, Page 6, ¶ [0084]) is located in the previous switching network node (See Serna e.g. as defined: change path between first data network and second network, Page 3, ¶ [0041], [0043], MS 16, BSC / RNC 24, BSC / RNC 26, SGSN1-20, SGSN2-22 MSC1 of Figs. 1-2). However, Serna does not teach that intermediately storing the data packets in a previous switching network node (or a storage device for intermediate storage of data packets). In an analogous field of endeavor, Eriksson teaches intermediately storing (or buffering) the data packets in a previous switching network node (or a storage device for intermediate storage of

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data packets) (See Eriksson e.g.30, 28, 32 of Fig. 1, Page 1, ¶ [0015], Page 2, ¶ [0031]). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Eriksson to Serna to provide a system and a method that all data transmitted from the core network node to a radio access node is stored in the core network node for a predetermined time. In response to the command from the core network node, the radio access node serving the first cell sends a reply which identifies the discarded data, and the core network node sends copies of the discarded data to the new radio access node serving the new cell as suggested (See Eriksson, Page 1, ¶ [0015]).

Regarding claim 2, it is obvious that the intermediate storage of the data packets is initiated independently (See Eriksson e.g.30, 28, 32 of Fig. 1, Page 1, 2 [0015], Page 2, ¶ [0031]) of whether the subscriber is to be monitored (See Serna e.g. without involving the core network, Page 2, Lines 8-9 of ¶ [0030], Relocation may or may not involve handover, Page 2, Lines 1-2 of 2 [0031]).

Regarding claim 3, it is obvious the intermediate storage of the data packets (See Eriksson e.g.30, 28, 32 of Fig. 1, Page 1, 2 [0015], Page 2, ¶ [0031]), trigger points are introduced with aid of messages including at least one of a "Forward Relocation Request", "Relocation Request Acknowledge" or "Relocation Detect" (See Serna trigger points e.g. Steps 6, 7, 8, 9, 10, 14 of Fig. 2).

Regarding claim 4, Serna does not teach after transmission of the mobile subscriber data, buffered data packets are deleted if the mobile subscriber is not to be monitored. In an analogous field of endeavor, Eriksson teaches similar concept of storing and or buffering data in a network node or device (See Eriksson e.g. data transmitted, stored in the core network, Page 1, ¶ [0015]) and a similar network communication network (See Page 2, ¶ [0025] and Fig. Further, Eriksson teaches the concept of after transmission of the mobile subscriber data, buffered data packets are deleted if the mobile subscriber is not to be monitored (See Eriksson e.g. Buffers 28 30, 32 of Fig. 1, delete stored data, Page 4, ¶ [0059]). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Eriksson to Serna to provide a system and a method allow any data, which have been discarded in an old radio access node, to be transmitted from the SGSN to a new radio access node, when a mobile station changes cells. The motivation is to ensure that data is not lost

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during a cell change,, inter-Routing Area or inter-Network Service Entity Cell change, or during cell change in which data are deleted at a radio access node as suggested (See Eriksson, ¶ [0001] and ¶ [0010]).

Regarding claim 6, Serna teaches the previous switching network is a last switching network node (See Serna e.g. as defined: change path between first data network and second network, Page 3, ¶ [0041], [0043], MS 16, BSC / RNC 24, BSC / RNC 26, SGSN1-20, SGSN2-22 MSC1 of Figs. 1-2).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Shavit (U.S. Pub. No.: 2002/0078167 A1).

b) Tourumen (U.S. Pub. No.: 2001/0030965 A1) also teaches the subject matter as claimed.

c) Bjelland (U.S. Pub. No.: 2003/0153309 A1).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (571) 272-7796. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, **Eng, George** can be reached @ (571) 272-7495. The fax number for the organization where this application or proceeding is assigned is **571-273-8300** for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kamran Afshar/

Primary Examiner, Art Unit 2617